IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 5029 of 2005

Between:

1 Kandi Ravi Shankar, S/o. Tathu Naidu,
Akkivaram Village, Denkada Mandal, Vizianagaram District.
2 Kandi Geetha Ganesh Kishore Nayak, S/o. Tathu Naidu,
Hindu, Akkivaram Village, Denkada Mandal,
Vizianagaram District.

..... PETITIONERS

AND

1 The District Cooperative Central Bank, Rep by its General
Manager, Vizianagaram.
2 Kandi Tathu Naidu, S/o. late Narayana, Hindu,
Akkivaram Village and Post, Denkada Mandal,
Vizianagaram District.
3 Geetha Kadhi Gram Samathi, Rep by its President
K. Padmavathi, Akkivaram Village and Post, Denkada
Mandal, Vizianagaram District.
4 The Deputy Registrar/Officer of Special Duty, the District
Cooperaive Central Bank Limited, Vizianagaram District.
5 The Sales Officer/Senior Inspector, District Cooperative
Central Bank Limited, Vizianagaram District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction one in the nature of Writ of Mandamus declaring that the sale notice issued in form No.7 dated 04-3-2005 by respondent No. 5 seeking to

put to property for sale even while pendency claim petition No.1/2004-2005 before the 4th Respondent as illegal and arbitrary.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent Nos.1, 4 & 5: GP FOR COOPERATION

The Court made the following:

ORDER:

This writ petition is filed challenging Form No.7 notice of attachment of immovable property issued under Rule 52 (11) (d) of the A.P. Cooperative Societies Rules, 1964 by the Senior Inspector/Sale Officer, District Cooperative Central Bank, seeking to attach the properties of M/s. Geetha Khadi Grama Samithi, Akkivaram Village, represented by Sri K.Padmavthi stating that it had not paid or shown sufficient cause for the non-payment of Rs.13,31,879/- as on 20-08-2003, although it was demanded in writing. Therefore, the immovable property in old Sy.No.53/5 to an extent of 0.29 guntas of dry land was sought to be attached.

It is the contention of the learned counsel for the petitioner that the said scheduled property i.e., the land in old Sy.No.53/5 measuring 0.29 guntas (dry) situated in Akkivaram village, is the property of the petitioner and not the property of M/s.

Geetha Khadi Grama Samithi, Akkivaram village. Therefore, the notice of attachment, impugned herein, was issued under a misconception and seeks to quash the same.

I am of the considered opinion that the petitioner can very well agitate the matter before the fourth respondent, who is the authority to consider the matter, expressing his objection for issuing notice of attachment of immovable property under Rule 52 (11) (d) of the A.P. Cooperative Societies Rules, 1964.

In view of the above, without expressing any opinion on the merits of the case, the petitioner is directed to submit a detailed explanation before the fourth respondent claiming his claim in the property sought to be attached, within a period of two weeks from today. On such objections being filed by the petitioners, the same shall be received by the fourth respondent and consider the same on its own merits and unless and until the said representation is disposed of, the impugned notice may not be given effect to.

With the above observations, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU, J

Dated 13 April, 2005.

YCR

To

1 The General Manager, District Cooperative Central Bank, Vizianagaram.
2 The Deputy Registrar/Officer of Special Duty, the District Cooperative Central Bank Limited, Vizianagaram District.
3 The Sales Officer/Senior Inspector, District Cooperative Central Bank Limited, Vizianagaram District.

4. 2 CCs to G.P. for Cooperation, High Court Buildings, Hyderabad. (OUT)

5. 2 C.D. copies.